

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 10, 1997

ALL COUNTY INFORMATION NOTICE I-01-97

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: BENO v. SHALALA COURT CASE INFORMING POSTER

REFERENCE: ACL No. 96-13; ACL No. 96-28; and ACIN No. I-33-96

This letter provides county welfare departments (CWDs) with a camera-ready copy of the poster required in the Court Order setting the fairness hearing on the proposed partial settlement in the Deanna Beno, et al., v. Donna Shalala class action lawsuit. The proposed partial settlement in the lawsuit establishes exemption criteria from grant cuts. A fairness hearing is held prior to the approval of a settlement in order to allow potential class members the ability to opt out of the proposed settlement. The potential class members can opt out in writing or by attending the hearing and orally objecting to the settlement. The attorneys listed below wrote the language of the poster and can explain the partial settlement to any potential plaintiffs.

A Court Order signed on December 23, 1996, requires that this poster be displayed in the size provided in this letter and posted prominently in CWD offices for at least thirty (30) days prior to the fairness hearing. The hearing is scheduled for February 21, 1997. Therefore, the poster must be displayed in CWD offices for the time period of January 22, 1997 through February 21, 1997.

Counties receiving questions from potential plaintiffs about the lawsuit should refer them to the following attorneys:

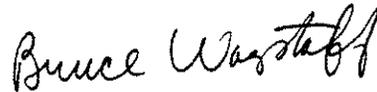
Clare Pastore, Robert D. Newman, or Richard Rothschild  
Western Center on Law and Poverty  
3701 Wilshire Boulevard, Suite 208  
Los Angeles, California 90020  
Telephone: (213) 487-7211

Michael Keys  
National Center for Youth Law  
114 Sansome Street, Suite 900  
San Francisco, California 94104  
Telephone: (415) 543-3307

Curtis Child  
Northern California Lawyers for Civil Justice  
604 - 12th Street  
Sacramento, California 95814  
Telephone: (916) 554-3310

If counties have questions about the lawsuit or poster, please contact Vince Toolan in the AFDC Policy Implementation Bureau (PIB) at (916) 654-1808.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Wagstaff".

BRUCE WAGSTAFF  
Deputy Director  
Welfare Programs Division

Attachment

**NOTICE OF PROPOSED PARTIAL SETTLEMENT OF CLASS ACTION LAWSUIT**  
**(Beno, et al. v. Shalala, et al.)**  
**TO CASH AID RECIPIENTS WHO ARE DISABLED OR**  
**WHO CARE FOR A DISABLED HOUSEHOLD MEMBER**

If you are unable to work full time because you are disabled or incapacitated, or you are unable to work because you take care of someone else in your household who is disabled, your AFDC cash aid benefits will be affected by the settlement of a lawsuit named Deanna Beno, et al. v. Donna Shalala, et al. The lawsuit claims that the state may not reduce cash aid benefits as a "work incentive" for people who cannot work because of disability.

The proposed settlement requires that cash aid recipient families headed by adults unable to work full time because of disability, or because they care for a disabled person, will be exempt from the "work incentive" cash aid reductions and will be eligible for a higher cash aid maximum aid payment than other recipients for as long as the disability or incapacity lasts. The settlement requires the State to maintain these exemptions as long as the work incentive reductions stay in effect, and requires the State to take various measures to inform recipients about their possible right to an exemption. Because of the settlement, many disabled cash aid recipients and those who care for disabled family members will get more cash aid.

In exchange for a higher maximum aid payment for disabled recipients, the settlement also requires that cash aid recipients give up their right to seek back benefits under the Americans with Disabilities Act and state disability laws for the time the state reduced their cash aid as a work incentive from 1992 to 1996. However, cash aid recipients do not give up their right to seek back benefits under other legal theories, including those before the court in the Welch v. Anderson case.

The full terms of the settlement are on file with the Clerk of the Court, United States Courthouse, 650 Capitol Mall, Sacramento, California 95814. You can get a copy of the settlement by writing to the California Department of Social Services, P.O. Box 944243, Sacramento, California, 94244-2430.

A hearing will be held on February 21, 1997, at 10:00 a.m. in Courtroom 3 of the United State District Court, United States Courthouse, 650 Capitol Mall, Sacramento, California, at which time the Court will decide whether to approve this partial final settlement.

If you agree with the settlement, you do not have to do anything. If you disagree with the settlement, you must write a letter to the Clerk, U.S. District Court, 650 Capitol Mall, Sacramento, California, 95814, giving the case name Beno v. Shalala, the case number, CIV-S-92-2135 DFL JFM, and your reasons for objecting to the proposed settlement. Your letter must be postmarked no later than February 12, 1997.

Any member of the class who does not make and file his or her written objections in the manner provided above shall be deemed to have waived such objections and shall forever be foreclosed from making any objections (by appeal or otherwise) to the proposed settlement.

If you need information, please call toll free 1-800-952-5253, or for the hearing impaired, TDD 1-800-952-8349.

**AVISO SOBRE EL CONVENIO PARCIAL PROPUESTO PARA LA DEMANDA COLECTIVA**

**(CASO: Beno, et al. vs. Shalala, et al.)**

**PARA LAS PERSONAS QUE RECIBEN ASISTENCIA MONETARIA Y ESTAN INCAPACITADAS/  
DISCAPACITADAS, O CUIDAN A UN MIEMBRO DEL HOGAR QUE ESTA INCAPACITADO/DISCAPACITADO**

en su hogar que está incapacitado o discapacitado, el convenio de la demanda relacionada al caso de Deanna Beno, et al. vs. Donna Shalala, et al afectará sus beneficios de asistencia monetaria del Programa de Asistencia para Familias con Niños Necesitados (AFDC). La demanda alega que el estado no puede reducir los beneficios de asistencia monetaria como un "incentivo para trabajar" para las personas que no pueden trabajar debido a una incapacidad o discapacidad.

El convenio que se propone requiere que se consideren exentas de las reducciones de asistencia monetaria como "incentivo para trabajar" a las familias que reciben beneficios de asistencia monetaria en las cuales la persona responsable de la familia es un adulto que no puede trabajar tiempo completo debido a su incapacidad/discapacidad, o debido a que cuida a una persona que está incapacitada/discapacitada. También requiere que estas familias tengan derecho a recibir un pago máximo de asistencia monetaria más alto que el pago que otras personas reciben, durante el periodo de tiempo que la incapacidad o discapacidad exista. El convenio requiere que el estado mantenga estas exenciones durante el periodo de tiempo en que las reducciones como "incentivo para trabajar" estén en vigor y requiere que el estado tome diversas medidas para informar a las personas que reciben beneficios acerca de su posible derecho a una exención. Debido al convenio, muchas de las personas incapacitadas/discapacitadas que reciben beneficios de asistencia monetaria y las personas que cuidan a miembros de la familia que están incapacitados/discapacitados recibirán más asistencia monetaria.

A cambio de un pago máximo de asistencia monetaria más alto, el convenio también requiere que las personas incapacitadas/discapacitadas que reciben asistencia monetaria renuncien a su derecho a solicitar beneficios retroactivos bajo la Ley sobre los Estadounidenses con Discapacidades y las leyes del estado sobre incapacidad, por el tiempo durante el cual el estado redujo su asistencia monetaria como "incentivo para trabajar" durante los años de 1992 a 1996. Sin embargo, las personas que reciben los beneficios de asistencia monetaria no renuncian a su derecho a solicitar beneficios retroactivos bajo otras teorías legales, incluyendo las que se encuentran ante el tribunal bajo el caso de Welch vs. Anderson.

Los términos completos del convenio se encuentran archivados con el secretario del tribunal en el edificio de los tribunales de los Estados Unidos (*Clerk of the Court, United States Courthouse*) localizado en el *650 Capitol Mall, Sacramento, California 95814*. Usted puede obtener una copia del convenio escribiendo al Departamento de Servicios Sociales de California a: *California Department of Social Services, P.O. Box 944243, Sacramento, California, 94244-2430*.

Se llevará a cabo una audiencia el 21 de febrero de 1997 a las 10 de la mañana en la sala número 3 del Tribunal del Distrito de los Estados Unidos (*Courtroom 3 of the United States District Court*), en el *650 Capitol Mall, Sacramento, California*. Durante este tiempo, el tribunal decidirá si se aprueba este convenio parcial final.

Si usted está de acuerdo con el convenio, no tiene que hacer nada. Si no está de acuerdo con el convenio, tiene que escribir una carta dirigida al secretario del tribunal del distrito a la siguiente dirección: *Clerk, U.S. District Court, 650 Capitol Mall, Sacramento, California, 95814*. Añote el nombre del caso "Beno vs. Shalala", el número del caso "CIV-S-92-2135 DFL JFM", y también anote los motivos de su objeción al propuesto convenio. Su carta tiene que tener: sellos del 12 de febrero de 1997, o de antes.

Se considerará que cualquiera de las personas afectadas por esta demanda, que no presente sus objeciones por escrito de la manera que se indica arriba, ha renunciado a dichas objeciones y para siempre se le privará del derecho a presentar cualquier objeción (por medio de una apelación u otro medio) en relación al convenio propuesto.

Si necesita información, por favor llame gratuitamente al 1-800-952-5253; o las personas sordas que usan equipo de telecomunicación (TDD), pueden llamar al 1-800-952-8349.

假如你需要請人幫助你瞭解這份通知的話，請打對方付費電話 1-800-952-5253 請求協助。假如你耳聾並使用聾者電傳機 (TDD) 的話，請打電話 1-800-952-8349。

Nếu quý vị cần sự giúp đỡ để hiểu được nội dung thông báo này, xin gọi số điện thoại miễn phí 1-800-952-5253. Nếu quý vị dùng điện thoại có gắn thiết bị dành cho người yếu kém thính giác (TDD), quý vị có thể gọi số 1-800-952-8349.

បើសិនជាលោកអ្នកត្រូវការកិច្ចជួយដើម្បីទូរស័ព្ទអ្នកចានយំអំពីសេចក្តីប្រកាសនេះ សូមទូរស័ព្ទលេខតេឡេវីស្យុង 1-800-952-5253 ។ បើសិនជាលោកអ្នកចូរនិយម ប្រើគ្រឿងប្រដាប់សំរាប់អ្នកចូរ (TDD) លោកអ្នកអាចទូរស័ព្ទតាមលេខ 1-800-952-8349 ។

**POST THIS NOTICE FROM JANUARY 22, 1997, THROUGH FEBRUARY 21, 1997  
COLOQUE ESTE AVISO EN UN LUGAR VISIBLE DEL 22 DE ENERO AL 21 DE FEBRERO DE 1997**